G R S IX 5]

Previous references. 1923. (Mugrai) **File No. 321–23**

Serial Nos. 1–4

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 4

Part B for October 1924

SUBJECT

Requests the opinion of the Legislative Dept. about the right of the Vendor to sell the house in New Tarapet, Bangalore city for the benefit of Sothern makkan at Bangalore.

R 571 dated 21.10.24 To the Mug. Comr.

It is not possible for the Law officer of Govt. to express any opinion in the matter

Muz 1]

1925 – 26

MUZRAI SECRETARIAT.

(Muz.)

NOTES.

File No. 321-25

FILE HEADING.

Purchase of a house in New Jagadpet, Bangalore for the benefit of Sutheesha makan at Bangalore.

From The Muzrai Commissioner

C No 589 Dated 27. 6. 26 Received

Diary No.	Enclos.	Spare Copies.	Serial No
2378	1 file	–	1

BRIEF ABSTRACT OF LETTER.

In the matter of the execution of a sale deed for the purchase of a house for the benefit of Sutheesha makan, Bangalore, out of the compensation paid by the city Municipal

NOTES AND ORDERS.

Council, requests the opinion of the Legislative Dept about the validity of the vendor's claim and the validity of the draft-deed proposed.

The file may be referred to the

NOTES--First Sheet

WD 0560—GPE—500—9 8-22

Muzrai Secretariat | Muz. File No. of 192 .

Serial No

Legislative Deptt for Opinion
Submitted.
AG 14.7.24
13.7.24

were not given heard in another case that the many shares now held should be converted in their property. But note that file

167-M.

Muz G. No 125-21 re Attavullah Shah Darga at Bangalore is submitted. Reference is respectfully invited to the above observation conveyed in this office Com. No. 2378 885/Muz. 125-21-23 dt 8.1.1924 (vide page 12 of the office note in this file containing the minutes of the 1st and 11th members of Council).

Submitted.
AG 19.7.24
19.7.1924

This is a similar Case, and

NOTE—Contn sheet

Muzrai Secretariat

Muz. File No. 32 of 1923.– 24

Serial No.

644/257 2nd member)

NOTE—Contn. sheet

WP.0578—GPB—3750—1-8-22

Muzrai Secretariat

Muz. File No. 321 of 1923.

Serial No.	
2	To the Muzrai Commr. No. 2158 d. 7.8.24.
+	Requests him to report the facts of the case fully and to state clearly the point of law on which opinion is required and requests him to report as regards the advisability of investing the funds in question in [illegible] Bank [illegible]
(4) 3.	From, the Muz Comr. Letter no. C. 589 d. 20.9.24. Submits the following report called for in file 2. 1) The Muz. Comr's. letter explains the facts of the case fully. 2) The Muz. Comr ~~reports~~ requests the Opinion of G.

NOTE—Contn sheet

WD 0561 - GPB- 3750—1-8-22

Serial No

Govt Advocate as to the right of the Vendor to sell the house and that as a Special case, he sanctioned the purchase out of Nakau funds, of the house at New Jaragupet, Bangalore city, for ~~Rs~~ 3100/-.

13) Draft Sale, Deed and other cvols. have been received.

14) Submit. for orders

AV
25. 9. 72.

15) The L & Secrett may be consulted as to the draft Sale deed.

RG
25-9-72

16) Submit with refee to Members' orders in para 6 and 7. The same reason is urged in this case viz objection on religious grounds as in the other case. ~~The letter was after taking, the Opinion~~ But the objection was considered unsubstantial, after consulting the 7th member.

17) If this purchase of the house is sanctioned, Govt. advocate will have to be consulted as to the title of the Vendor and the registration of the Sale deed thereafter.

27. 9. 72.

2nd member)

33
1.10

NOTL—Contn Sheet

GRS 111 21

File No of 19 .

General Revenue Contentia

Serial No.	

File No. 321 of 1923

Serial No.

18) How can law first advocate & law L & L Sec" form any opinion about the title of the Vendor? It is not so much a question of law as a question of fact. However, let pleadings be sent to law L & L Sec" for perusal & a note on the points raised by the Plaintiff.

7/10

2/10/24

L & L Sec"/.

19) I have gone through the papers. The vendor is described as the son of late Mr Sreedharanadan. He has purchased the house on 23 March 1918 from Subdar Hussein Sahib, who is described as the owner of the house.

20) There are Mohamedan gentlemen. It is difficult to say whether they became the full owners. Hussein Sab purchased the same from Badsha Sab, his wife & son in 1916. There are other Sales deeds relating to the house in question.

21) As any claimant may prefer a claim within 12 years & as there are Mohamedan gentlemen concerned in all the transactions it is necessary that a thorough investigation has to be made by a disinterested person regarding the title to the property & to any person who is likely to be interested in the same. It is as well that they should search the Registers in Sub-Registrar's office &, and any encumbrance if any

NOTL—Contn Sheet

GRS III 21

File No. of 19

General and Revenue Secretariat.

Serial No.	

A-368.

General and Revenue Secretariat.

File No. 321 of 1923

Serial No.

22) As the papers show, the title seems the all right. But it is a question of fact & cannot be proper to express a definite opinion regarding the claims of other liens of those that have sold the property especially in the case of Muhammadans & Hindus materials

Rev Secy
With Compts

8 4
8 4
2 8
8 4

11-10 VM.

250/11 4 2nd member

22) The only case may be mentioned in the last communication seems to me to be more advantageous and less risky for the many who are involved in the first Bench or this purpose to secure instead of ~~conducting~~ many cases for persons of a case as proposed this is the most proper one and also the cases - of more benefit. The persons interested in the market are very particular in having the ~~market~~ and in their property. If we have to make their own arrangements for making sales about the state of the weather & they will take the risk of any mistakes & may make more. As it is not proper for the Revenue Board to express any opinion on the matter ~~Undersigned is not~~ of such matters

NOTE—Sontn Sheet

18.10 VM. 11/Sep/24

368

File No. 3?8 of 19 ?3

General and Revenue Secretariat.

Serial No.

24) Dft. Secretr.
AL
15/10/24 Dft
15/10/24
25) Issue
19.10.24.

Pl. 4. To the Municipal Commr. No. 571 d. 21.10.24.
States that it will be more advantageous and
less risky if the money is invested in Govt Bonds
or other safe security instead of its being used
for the purchase of a house as proposed and that
if the persons interested in the Akara are very particular
in investing the amount on house property
they will have to make their own arrange-
ments for making sure about the title of the

C 589 of 22-23
acc file

Office of the Muzrai Commissioner in Mysore,

Bangalore, Dated 26th June 1924.

From 39335

K. Chandy, Esq, B.A.
Muzrai Commissioner in Mysore.

Mur 324-27-1

REV. SECRETARIAT
28 JUN 1924
MUZRAI

Mur 2378

To

K.V. Anantaraman, Esq, B.A.
Secretary to the Government of His Highness the
Maharaja of Mysore, Revenue Department, Bangalore.

7 JUN.

Sir,

I have the honour to state that in this office order C.No. 589 of 22-23 dated 15th March 1923 (copy enclosed in the records) sanction was accorded for the purchase of a house in new Thigalarpet Bangalore City, out of the compensation paid by the City Municipal Council for the lands belonging to Suthesa Makkan and acquired for the construction of an Anglo Hindustani school, and the Deputy Commissioner was requested to examine the validity of the title of the vendor and approve the sale deed before its actual execution.

2. While submitting the draft of the sale-deed and the documents mentioned to prove the title of the vendor, the Deputy Commissioner, requests that the opinion of the Government advocate or the Law Department may be obtained.

3. I therefore request you to be so good as to refer the matter to the Secretary to Government in the Legislative Department, and favour me with his opinion about the validity of the vendor's claim, and the suitability of the draft-deed proposed to be executed on stamp paper of requisite value.

4. The file of vernacular papers is submitted for reference and kind return.

I have the Honour to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

MAN.

25-7-24

24-7-24

Present matter

24/7

Perusal papers if any.

24.7.

"Suitable date may be given"

The file is before the members. The petition will be kept in the file on receipt with orders. The petitioner may for early orders.

Muz 4]

SUBJECT..... ....

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Diary No. of letter replied to _____

Section Muz.

File No. 321-23.

Serial No. 2

Muzrai Secretariat

( )

, *the* 192 .

No. 215

Date of issue _____

Signed by _____

The Muz. Comr.

Sir,

Adverting to your letter no. C. 589 dy 27.6.24 in the matter of the purchase of a house in New Jagajpet, Bangalore, for the benefit of Sritheshu Mahan at Bangalore, I am directed to observe that the point on which the

over.

C. Division of

of the Law Dept.!! required
by you, is not stated in your letter,
and to request that you
will be so good as to send up a memo
your case
stating your view
the facts fully and the
point of law on which
opinion is required.
In this connection, I am
to invite reference
to the observations contained
in this office Com. No.
885 - Mus. 125-21-23
8-1-1924 regarding the
advisability of investing
the funds of religious
institutions in ~~Trust Boards~~ Govt Bonds
or in the Post Savings
Bank Deposits in
preference to investing
them in house property
and to request you to report

List of enclosures

Copied by

Examined by

VD 0563—GPB—2 500—27 7 22

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

as to why the course suggested in that letter should not be adopted in this case also.

(2) The enclosures are returned for reference and re-submission.

I have etc

1.8.24

Asst Rev. Secretary

BA

29.7.24

16373

No. C 8890 22-23 Office of the Muzrai Commissioner in Mysore.
Encl One file. Dated Bangalore, 20th September 1924.

From

K. Chandy, Esquire., B.A.,

Muzrai Commissioner in Mysore,

Bangalore.

Mur 324-23-1.

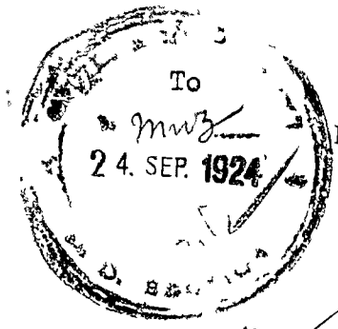
To

K. V. Anantaraman, Esquire., B.A.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.



Sir,

In reply to your letter No.215/M.F.321-23-2 dated the 7th July 1924, I have the honor to state that Suthesa Makkan at Bangalore is a Muzrai institution enjoying only a cash grant of Rs.14-6-0 a year. Small houses were built on the vacant land attached to the Makkan -- building site by private persons, who did not claim ownership of the and. Out of the land attached to the makkan site an extent of -- 2883-71 Sqr.yards consisting of buildings vacant site, a well and a flower garden was acquired by the Bangalore Municipality for the --- construction of an Anglo Hindustani school.

Out of the amount of compensation awarded, the private persons received the amounts awarded for their buildings and for the flower plants raised thereon and the sum of Rs.3891-11-0 awarded for the -- vacant site was held in deposit.

The makkandars prayed that as the income to the makkan by way of ground rent and the realizations from garden land was lost a --- suitable house may be purchased from the compensation amount awarded to the makkan and held in deposit at its credit. The Deputy Commissioner though he was not in favour of investing in house property on account of the responsibility to maintain it, recommended the -- request of the makandars as they did not make any other alternative proposal.

Thereupon the makkandars were heard by me and as they did not

agree

agree to the investment of the amount in Government securities the ground that it was against the tenets of their Koran to receive interest earnings and utilize the same for services in the makkan and as the site acquired was the portion of the makkan building -- site sanction was accorded in this office order No.C.589/22-23 -- dated 15th March 1924 to the purchase of the house as a special case on the distinct understanding that the makkandars should attend to its maintenance.

In these circumstances it was not possible to invest the -- amount in Government securities as was done in the case of Attavulla Sha Darga, the investment of the compensation amount of which in -- Government securities, was directed in your letter No.885/Muz.125-21-23 dated the 8th January 1924.

The Deputy Commissioner having finally arranged for the purchase of the house for the Makkan, he requests that the opinion of the Government Advocate may be obtained as tothe right of the vendor to sell the house.

Draft sale deed and other original documents produced by the vendor are submitted herewith for obtaining the opinion of the Government Advocate in the matter and as to the suitability of the draft sale deed. The Makandars are urging the speedy completion of the transaction lest the vendor may demand more price.

The other vernacular records received with the Deputy Commissioners letter No.H.O.640/21-22 dated 5th September 1924 are also - herewith submitted for reference and kind return.

I have the honor to be,

Sir,

Your most obedient servant,

K-Chandy

KSR. MUZRAI COMMISSIONER.

Muz 4]

SUBJECT.....

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Diary No. of letter replied to _____

Muzrai Secretariat

( )

, the *192*

Section

File No

Serial No.

No. 571

One file

Date of issue 21.10.22

To

The Muz. Comr

Signed by Jm T. Ramaya

Sir,

Adverting to correspondence ending with your letter no. C. 589 Dy 209 1922 requesting the opinion of the Legislative Dept about the right of the Vendor to sell the house in Dam

Bangalore, for the benefit of Suthesha makan at Bangalore, I am directed to state that it will be more advantageous and less risky if the money is invested in the Govt. Bonds or other permanent and safe security instead of its being used for a purchase of a house as proposed, and that the Govt. would prefer the adoption of this course. If nevertheless, the persons interested in the makan are very particular in investing the amount on house property and insist on it, ~~I am to add that~~ they will have to make their own arrangements for making ~~sure~~ sure

List of enclosures

Copied by

Examined by

WD 0563—GPB—2,500—27 7 22

about the title of the Vendor, and that they must take the risk of any mistakes they might make as it is not possible for the law officers of Govt to express any opinion in the matter which is one of fact rather than one of law.

(2) The records are herewith returned.

I have &c

(sd) [illegible]
Asst. Secretary.

WD 2230—GPB—1 00,000—23 7 20